

Appl. No.: 10/677,981
Reply to Office Action of: 09/09/2004

REMARKS

Claim 14 has been amended above to overcome the examiner's objection. This amendment has not narrowed or limited the scope of the claim.

Claim 1 has been amended above and the specification has been amended above to clarify that the IP 67 standard is part of the IEC/EN 60529 standard of the International Electrotechnical Commission. The IP 67 standard is well known in the art of water and dust resistance. A simple Internet search by the examiner will confirm this. No new matter has been added.

Claims 5 and 15 have been converted from dependent form into independent form. The language of these claims has also been broadened by removing and changing certain language. In view of section 8 of the office action, it is believed that claims 5 and 15 are in condition for allowance. Likewise, it is believed that dependent claims 6-12 and 16 are now in condition for allowance.

Claims 1-3 and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by Konishi et al. (US 2004/0037441). Claims 4 and 13-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Konishi et al. (US 2004/0037441). The examiner is requested to reconsider these rejections.

Claim 2 has been cancelled and its features have been added to claim 1 with the additional change of the language "substantially parallel " to laterally adjacent. The basis for this amendment can be found in the present application on

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page 1, line 25. Konishi includes only embodiments (Figures 1-22) where a second diaphragm is placed directly upon a loud speaker (the first diaphragm). In the present application this kind of placing of the two diaphragms is considered a problem (page 1 lines 16-20). Konishi cannot anticipate amended claim 1. Neither does Konishi teach or suggest that it could be in some way advantageous to modify the placing of the two diaphragms in laterally adjacent positions. That is why the amended new claim 1 is also not obvious in view of Konishi.

Regarding the rejection concerning claim 3 the Examiner's argument is not correct. In paragraph 009 in Konishi it is clearly disclosed that the area of the second diaphragm is greater than the area of the first diaphragm. So the cavities supporting these two diaphragms cannot be considered independent from each other either.

In view of the arguments noted above, it is believed that claim 1 is patentable and should be allowed. Though dependent claims 3-4 and 13-14 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain,

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the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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12/9/04
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